

BEFORE THE FEDERAL ELECTION COMMISSION JUN 23 4 11 PM '99

In the Matter of )

Enforcement Priority System II )

MUR 4877 )

**SENSITIVE**

GENERAL COUNSEL'S REPORT

**I. INTRODUCTION**

The case noted below has been identified as presenting significant statute of limitations concerns under the Enforcement Priority System II ("EPS II") for cases assigned to OGC Public Financing, Ethics & Special Projects ("PFESP") staff. This report recommends that the Commission take no action and close the file with respect to MUR 4877, Clinton/Gore '92, *et al.*

**II. STATUTE OF LIMITATIONS POLICY**

An important element of EPS II is the identification of those pending cases that no longer warrant the further expenditure of resources. By focusing our investigative efforts on cases involving more recent activity, we can more efficiently allocate our limited resources. Cases where most of all of the statute of limitations has already expired do not generally warrant the expenditure of further Commission resources.<sup>1</sup>

<sup>1</sup> On March 11, 1997, the Commission closed 18 cases in which the five-year statute of limitations under 28 U.S.C. § 2462 may have expired. See General Counsel's Report, 28 U.S.C. § 2462 *Statute of Limitations*, approved March 11, 1997; see also *FEC v. Williams*, 104 F. 3d 237 (9th Cir. 1996), rehearing and suggestion for rehearing en banc denied June 5, 1997.

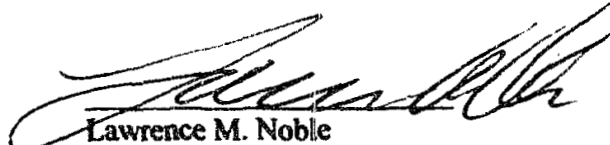
Accordingly, on July 7, 1997, the Commission expanded the criteria for closure under EPS II to include those matters presenting significant statute of limitations concerns, *i.e.*, a majority of activity may be time-barred under 28 U.S.C. § 2462. See General Counsel's Report, *Enforcement Priority System II and MUR 4658, Statute of Limitations Policy*, approved July 7, 1997.

Under this policy, absent special circumstances, cases where a significant portion of the activity is time-barred under 28 U.S.C. § 2462 will be recommended for closing. This Office has identified one matter where the statute of limitations has potentially expired that we believe does not warrant the further investment of Commission resources. MUR 4877 (Clinton/Gore '92) addresses activity from the 1992 election cycle and a majority of the activity may be time-barred under 28 U.S.C. § 2462. Accordingly, the Office recommends that the Commission exercise its prosecutorial discretion and close the file with respect to MUR 4877.

**III. RECOMMENDATIONS**

1. Take no action and close the file with respect to MUR 4877; and
2. Approve the appropriate letter.

6/23/97  
Date

  
Lawrence M. Noble  
General Counsel

***Attachments***

1. Description of MUR 4877
2. Complaint (MUR 4877)

99-04-393-2712